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Book Reviews

THE INTERNATIONAL PROTECTION OF LABOR. By Boutelle Ellsworth Lowe. The Macmillan Company, New York, 1921. pp. xliii, 439.

This interesting book records the progress of the international protection of labor. The beginnings were feeble enough. In 1866 the International Workmen's Association formulated a series of resolutions urging a maximum workday of two hours for children between nine and thirteen, the prohibition of night work for women, and a maximum workday of eight hours for all laborers. We then have a series of internationals, conventions, congresses, treaties, reports, periodicals, a most voluminous and bewildering amount of material—the bibliography of the author contains fifty-five pages—yet while the resolutions at Zurich in 1912 were much more concrete and detailed, comparatively little had been accomplished. A few treaties suppressing phosphorus matches and providing equal rights to foreigners in workmen's compensation include most measures actually accomplished by treaty. The most significant development of all perhaps is the inclusion of the labor planks in the peace treaty and the League of Nations and the conferences held thereunder in Washington and in Genoa. The author includes a full statement of this.

One of the most interesting things in the book is the appraisal of the various factors contributing to the movements, the socialist and anarchistic propaganda, the international trade union movement, the scientific and impartial study by private and semi-official organization, especially the International Association for Labor Legislation and the American section, which is known as the American Association for Labor Legislation. The indispensable American Labor Legislation Review is published by this Association. Besides giving a history of the movement the author gives a synopsis, and in many cases the full text, of the various conventions and treaties into which the nations have entered thus far. The work seems to be so well done that it will not have to be done again, and gives the reader the foundation on which he can draw his plans for the labor structure of the future.

Of special interest to the United States is its place in the movement. Up to 1910 the record is humiliating. In child labor, employment of women, and almost every protective labor measure, the United States was behind the European nations. Since then substantial progress has been made, although very little in social insurance. Nothing has been accomplished by treaty, as the United States has not felt itself able to enter into treaties on subjects which belong to the police power of the states. The progress that has been made, therefore, has for the most part been a result of activity in each of the states in the Union.

What can the Federal government do? It may legislate under the Commerce Clause, but the attempt to exclude the products of

child labor from interstate commerce was held unconstitutional by a five to four decision. (*Hammer v. Dagenhart* (1918) 247 U. S. 251, 62 L. Ed. 1101, 38 Sup. Ct. Rep. 524, 6 California Law Review 95.) A decision on such a question cannot be regarded as final. Then the attempt was made by Congress to accomplish the same result under the taxing power, which had been successfully employed to abolish white phosphorus in the making of matches. The child labor act, however, has recently been held unconstitutional by the District Court of the Western District of North Carolina (*George v. Bailey* (Aug. 22, 1921) 10 California Law Review 95). If the people want such legislation and it is declared unconstitutional, it may be necessary to resort to another constitutional amendment.

There still remains the treaty power. Undoubtedly more can be done under the treaty power than by direct action of Congress, as the Migratory Bird decision shows. (10 American Labor Legislation Review, p. 133.) It may be a question of policy, however, whether the President and the Senate should endeavor to do what cannot be done by the President and Congress. One feels after reading the book that we are entering into a field of international and interstate activities that will be enlarged enormously in succeeding years. California, for example, has a minimum wage for women. There is considerable agitation against the law just now, not because it is considered a bad law but because of the competition of states which have no such measure. The problems involved in this and other competition are for future solution and are not included in the scope of the author's work, although references are given to the best literature on the subject. The author is also careful to point out the importance of practical considerations. The "phosphorus" law, for example, was easy to enforce because all the manufacturers were willing to obey it if they could be protected from competition; also control of the supply was simple. In child labor, however, the law may have to be imposed upon hostile communities, and its enforcement requires continuous inspection and complicated accounting.

A. M. Kidd.

THE LAW OF BUSINESS PAPER AND SECURITIES. By Charles F. Dolle. T. H. Flood & Co., Chicago, 1920. pp. iv, 423.

This book is not written for lawyers but for business men and young men getting an education in business and in the law. The method of the author is to take each section of the Negotiable Instruments Law and give an explanation with a citation of some cases. As the book is not written for the lawyer it would be unfair to comment on the omission of leading cases, especially Annotated Cases, the failure to refer to articles in the law reviews and the statement of a controverted section without reference to the conflicting opinions. The book is not intended to take the place of Brannan or Crawford as an annotated edition of the Negotiable Instruments Law.

From the point of view of business men and young men getting